

**SEVENTH DAY.**

(Wednesday, January 16, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called, and the following members were present:

Ackerman.	Justiss.
Adkins.	Kayton.
Anderson.	Keeton.
Avis.	Keller.
Baker.	Kemble.
Baldwin.	Kennedy.
Barnett.	Kenyon.
Bateman.	Kincaid.
Beck.	King.
Bond.	Kinnear.
Bounds.	Land.
Bradley.	Lee.
Brice.	Lemens.
Brooks.	Long of Houston.
Carpenter.	Long of Wichita.
Chastain.	Loy.
Coltrin.	Mankin.
Conway.	Mauritz.
Cox of Navarro.	Maynard.
Cox of Lamar.	McCombs.
Cox of Limestone.	McDonald.
Davis.	McGill.
DeWolfe.	Mehl.
Dunlap.	Metcalfe.
Duvall.	Minor.
Enderby.	Montgomery.
Ewing.	Moore.
Eickenroht.	Morse.
Finn.	Mullally.
Finlay.	Murphy.
Forbes.	Negley.
Fuchs.	Nicholson.
Gates.	Olsen.
Gerron.	O'Neill.
Gilbert.	Palmer.
Giles.	Patterson.
Graves	Pavlica.
of Williamson.	Petsch.
Graves of Erath.	Pope of Jones.
Hardy.	Pope of Nueces.
Harding.	Prendergast.
Harman.	Purl.
Harper.	Quinn.
Harrison.	Ray.
Heaton.	Reader.
Hines.	Reid.
Hogg.	Renfro.
Holder.	Richardson.
Hopkins.	Rountree.
Hornaday.	Sanders.
Hubbard.	Savage.
Jenkins.	Shaver.
Johnson	Shelton.
of Dimmit.	Sherrill.
Johnson of Smith.	Shipman.
Johnson of Scurry.	Simmons.
Jones.	Snelgrove.

Speck.	Warwick.
Stephens.	Webb.
Stevenson.	Westbrook.
Storey.	White.
Tarwater.	Wiggs.
Thompson.	Williams of
Thurmond.	Sabine.
Tillotson.	Williams
Turner.	of Hardin.
Van Zandt.	Williams
Veatch.	of Travis.
Waddell.	Woodall.
Wallace.	Woodruff.
Walters.	Young.

Absent.

McKean.

Absent—Excused.

Acker.	Pool.
Albritton.	Rogers.
Hefley.	Sinks.
Martin.	Smith.
Mosely.	Strong.

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

**LEAVES OF ABSENCE GRANTED.**

The following members were granted leaves of absence on account of sickness:

Mr. Acker for today and the balance of the week, on motion of Mr. Kincaid.

Mr. Sinks for today, on motion of Mr. Johnson of Dimmit.

Mr. Avis for yesterday, on motion of Mr. Young.

**HOUSE BILLS ON FIRST READING.**

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Woodall:

H. B. No. 247, A bill to be entitled "An Act making it a felony for any sheriff, constable, deputy constable, deputy sheriff, justice of the peace, chief of police, policeman, or other peace officer, to demand, receive or collect the whole or any part of the fine or costs in any misdemeanor case until after the affidavit or information has been filed and judgment of conviction rendered in such case, and prescribing the punishment therefor."

Referred to Committee on Criminal Jurisprudence.

By Mr. Gilbert, Mr. Chastain and Mr. Hardy:

H. B. No. 248, A bill to be entitled "An Act to amend Article 879h, Chapter 215, of the General and Special Laws of the State of Texas, passed by the Fortieth Legislature, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Webb:

H. B. No. 249, A bill to be entitled "An Act appropriating the sum of twenty-five thousand dollars (\$25,000) to co-operate with the Department of the Interior of the United States Government to investigate reservoir sites and reservoir conditions on the Pecos River, authorizing the Governor to draw upon such funds and regulating the expenditure thereof, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. O'Neill and Mr. Bateman:

H. B. No. 250, A bill to be entitled "An Act providing that in all counties where the county attorney performs the duties of the county attorney and district attorney, the county attorney may appoint one or more assistants, who need not possess the qualifications provided for county attorneys, providing for the manner of appointment; and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Johnson of Dimmit:

H. B. No. 251, A bill to be entitled "An Act to amend Article 941a, of the Penal Code of Texas of 1925, so as to cover Dimmit, Zavala, Medina and Uvalde counties and permit the taking or catching of suckers, buffalo, carp, shad and gar at any time in any fresh water rivers, creeks or lakes in the counties of Burnet, Williamson and Lampasas, Dimmit, Zavala, Medina and Uvalde, with a seine or net with not less than a four-inch size mesh, and providing that catfish, crappie, perch, bass and other kind of fish, if any, caught in such seine or net shall be immediately released in the waters where caught, and that the owner or one in possession of said seine or net shall, within five days from and after the using of same, make a report under oath to the Game, Fish and Oyster Commissioner, reporting the name of each and every person in the party and showing

in said report that all fish not permitted to be caught or taken were released as aforesaid, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Jenkins:

H. B. No. 252, A bill to be entitled "An Act to amend Article 4a of the Code of Criminal Procedure of Texas, relating to search and seizures."

Referred to Committee on Criminal Jurisprudence.

By Mr. Anderson:

H. B. No. 253, A bill to be entitled "An Act to empower the State Text Book Commission to adopt a multiple list of text books in German for use in high schools and also other high school texts on such other subjects for use in junior high schools as may be determined by a seven-ninths vote of said Commission, and declaring an emergency."

Referred to Committee on Education.

By Mr. Carpenter and Mr. Bateman:

H. B. No. 254, A bill to be entitled "An Act to amend Article 6205 of Title 109 of the Revised Civil Statutes of the State of Texas, relating to pensions for Confederate soldiers and sailors and their widows; and providing that the word widow as used in this article shall not apply to women born since the year 1881; and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Johnson of Dimmit:

H. B. No. 255, A bill to be entitled "An Act to amend Article 879 of the Penal Code of Texas of 1925, so as to include the counties of Dimmit, Zavala, Medina and Uvalde in the provision permitting squirrels to be killed at any time, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Loy:

H. B. No. 256, A bill to be entitled "An Act requiring all motor busses in this State carrying passengers for hire to provide separate compartments or seats for whites and negroes; providing a penalty therefor, and declaring an emergency."

Referred to Committee on Common Carriers.

By Mr. Johnson of Dimmit:

H. B. No. 257, A bill to be entitled "An Act to amend that portion of Article 879 which pertains to wild mourning doves, so as to change the open season in the south zone from November and December of each year to October and November of each year, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Holder:

H. B. No. 258, A bill to be entitled "An Act to amend Article 2781, Revised Statutes of 1925, relating to term of contract of superintendents, principals, teachers or other executive officers in independent school districts, repealing Article 2782, Revised Statutes of 1925, which exempts the cities of Dallas and Fort Worth, repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Education.

By Mr. Johnson of Dimmit:

H. B. No. 259, A bill to be entitled "An Act to amend Article 7631 of the Revised Civil Statutes of Texas of 1925, providing for the regulating of elections to be held in water improvement districts and defining who are qualified voters in water improvement districts and authorizing the commissioners court to order the first election, create the proposed district into one or more election precincts, name the polling places, appoint officers of elections, providing for the preparation of ballots and the wording that shall be placed on such ballots, and to amend Article 7641, of said statutes, defining who shall be eligible to hold office in water improvement districts, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Graves, Mr. Petsch and Mr. Jenkins:

H. B. No. 260, A bill to be entitled "An Act requiring that all grants and assignments of any trust or confidence shall be in writing and signed by the party granting or assigning the same, and abolishing the doctrine of an express parol trust."

Referred to Judiciary Committee.

By Mr. Hornaday:

H. B. No. 261, A bill to be entitled "An Act to amend Article 789, Title 13, Penal Code, Revised Statutes of 1925,

relating to speed of motor vehicles upon the public highways of Texas and fixing the maximum rate of speed at forty-five miles per hour, and repealing Article 794, Title 13, Penal Code, Revised Statutes of 1925."

Referred to Committee on Criminal Jurisprudence.

By Mr. Jones:

H. B. No. 262, A bill to be entitled "An Act to amend Article 1302, Chapter 1, Title 32, of the Revised Statutes of 1925, by adding thereto Section 91, so as to provide for the creation of private corporations for the purpose of owning lands in the water control and improvement districts, water improvement districts, levee improvement districts, drainage districts and all lands susceptible of reclamation by levees, drainage or irrigation, in aid of the development and improvement of lands reclaimed, or to be reclaimed, within such districts, so that such lands may be speedily improved, subdivided, sold and utilized, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Cox of Lamar and Mr. Wiggs:

H. B. No. 263, A bill to be entitled "An Act to provide that at least one-half of all taxes levied for the State, county, common school districts, road districts or political subdivisions of the county upon an ad valorem basis for the year 1929 and every year thereafter shall become due on the 31st day of December of the year for which the same are levied, and providing that unless at least one-half of the taxes so levied shall be paid on or before said date the entire tax levied for the year shall become delinquent after said date; providing that if the first half of said taxes shall have been paid on or before the 31st day of December, the second half shall become delinquent after May 31st following; providing that all delinquent taxes shall bear a penalty of ten per cent, and in addition thereto interest at the rate of six per cent per annum; providing for only five per cent penalty if the entire tax is paid after December 31st and on or before January 31st following; providing that all of the taxes may be paid at one time and that not more than two payments of one-half each may be paid except the entire tax on property with a separate valuation may be paid without payment of taxes on other property; providing

for the issuance of receipt; repealing all laws in conflict, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Richardson:

H. B. No. 264, A bill to be entitled "An Act to prevent accidents at railroad crossings."

Referred to Committee on Criminal Jurisprudence.

By Mr. Wallace, Mr. Bond, Mrs. Negley and Mrs. Moore:

H. B. No. 265, A bill to be entitled "An Act repealing Article 6815, Revised Civil Statutes of 1925, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. McCombs:

H. B. No. 266, A bill to be entitled "An Act the better to secure persons accused of crime by creating the offenses of 'escape,' 'attempt to escape' and 'jumping bail,' and fixing the penalties therefor, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Graves of Erath:

H. B. No. 267, A bill to be entitled "An Act amending Article 941a of the Penal Code of Texas by striking out the counties of Erath and Hood, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. McCombs:

H. B. No. 268, A bill to be entitled "An Act for the collection of delinquent taxes."

Referred to Committee on Revenue and Taxation.

By Mr. Hornaday:

H. B. No. 269, A bill to be entitled "An Act to amend Chapter 2, Title 108, Revised Statutes of 1925, by adding a new article to be known as Article 6203a, providing that no application for the pardon of penitentiary convicts shall be received by the Governor, nor by him referred to Board of Pardon Advisors, unless said application be accompanied by an affidavit that the name of no district judge, attorney or juror sitting in the cause in which conviction was had appears on said application, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. O'Neill:

H. B. No. 270, A bill to be entitled "An Act creating, establishing and providing for the maintenance of a State tuberculosis and epilepsy sanatorium for negroes, and declaring an emergency."

Referred to Committee on State Eleemosynary and Reformatory Institutions.

By Mr. Bounds:

H. B. No. 271, A bill to be entitled "An Act to give physicians, legally authorized to practice their profession in the State of Texas, a first and prior lien for medical services rendered to any person or anyone depending upon them on all crop or crops of said person for their services, provided said bill for the said services does not exceed \$25."

Referred to Judiciary Committee.

By Mr. Bounds:

H. B. No. 272, A bill to be entitled "An Act to authorize the maker of a will to apply to the county judge for a judicial determination of the question as to whether or not he was sane or insane or subjected to undue influence upon the day he executed the will, and providing the method of notifying the persons interested, and providing that no court in the State of Texas shall thereafter have jurisdiction to hear or determine the question of sanity or undue influence of the person on the day when the will was made."

Referred to Committee on Criminal Jurisprudence.

By Mr. Bounds:

H. B. No. 273, A bill to be entitled "An Act making it a misdemeanor to use a telephone in the office, place of business or home of another person, firm or corporation for long-distance conversation and have the charges, fees and tolls therefor charged to the person, firm or corporation in whose name the telephone so used is registered, without the consent of the person, firm or corporation in whose name such telephone is registered, and prescribing a penalty therefor."

Referred to Committee on Criminal Jurisprudence.

By Mr. Barnett and Mr. Conway:

H. B. No. 274, A bill to be entitled "An Act to amend Article 955, Revised Criminal Statutes of 1925, by exempt-

ing Hunt and Rains counties from the provisions thereof, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Metcalfe and Mr. Webb:

H. B. No. 275, A bill to be entitled "An Act providing that any city which has once acquired the right to levy, and has exercised the right of levying taxes not to exceed for any one year two and one-half per cent of the taxable property of such city for current expenses and for the purpose of construction or the purchase of public buildings, waterworks, sewers and other permanent improvements, and for the construction and improvement of the roads, bridges and streets of such city within its limits by reason of having more than 5,000 inhabitants and which has outstanding bonds issued in whole or in part on the basis of such two and one-half per cent limit of taxing power, shall not thereafter by reason of decrease in the number of its inhabitants to below 5,000 revert to a lower limit of taxation, repealing all laws and parts of laws in conflict herewith, declaring an emergency and declaring that this act shall become effective immediately from and after its passage."

Referred to Committee on Revenue and Taxation.

By Mr. Hopkins:

H. B. No. 276, A bill to be entitled "An Act to provide for the payment of actual and necessary expenses of official and deputy official shorthand reporters while actually engaged, and the manner of payment of such expenses by the several counties of the judicial districts, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Quinn:

H. B. No. 277, A bill to be entitled "An Act amending Articles 2791 and 2792, Chapter 13, Title 4, Revised Statutes of Texas, 1925, relating to the assessment and collection of taxes in independent school districts by requiring the county tax assessor and the county tax collector, respectively, to assess and collect school taxes on property in independent school districts, prescribing certain duties, fixing compensation for such services, providing for bond for the collector, defining duties of collectors, providing for a board of equalization, prescribing its

duties and powers, authorizing assessment to be made without reference to value for State and county purposes, excepting under named conditions independent school districts constituted of a city or town, or whose boundary does not extend outside the corporate limits of a city or town, fixing compensation of assessor and collector, repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Petsch:

H. B. No. 278, A bill to be entitled "An Act prescribing the kind of tackle and method for taking fish from the fresh waters of counties, and prohibiting all others; prohibiting possession of any tackle not authorized by this act within two hundred yards of any fresh waters mentioned herein, prescribing penalties, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Avis et al.:

H. B. No. 279, A bill to be entitled "An Act creating 'The Fair Commission of the State of Texas,' to consist of three persons to be appointed by the Commissioner of Agriculture of the State of Texas, one of whom shall be chairman; defining their qualifications and terms of office; fixing their duties and requiring bond; empowering such Commission to authorize any county, district or State fair incorporated under the laws of Texas, and that conducts annually bona fide fairs for the encouragement of agriculture and horticulture and exhibitions of livestock and farm products, to hold horse races under the supervision and control of the Commission, and to solicit and receive contributions and donations of money toward the entry of any horse selected to run first, second or third, or both; providing that such fair associations shall pay a tax of two per cent on all moneys thus paid in which, after payment of expense of administering the act, shall be expended for the use and benefit of the respective counties of Texas in proportion to the farm population, such funds so paid for the benefit of such counties to be used and paid under the direction of the commissioners courts of the respective counties for aiding, assisting and encouraging the farm, livestock, poultry and dairying industries of the State of Texas, including the purchase and maintenance by such

counties of pure-bred bulls and cows, studs and mares, sheep, hogs and poultry for breeding purposes, free of charge for service of same; authorizing said fair associations to retain from such contributions and donations, after paying said two per cent, a reasonable amount, which with said tax shall not exceed ten per cent, such amount to be determined by the Commission, the amount so authorized to be retained by said fair association to be used for the purpose of providing equipment and facilities for conducting fairs and races and paying the operating expenses of such fairs and races, and for paying purses and premiums for farm, livestock, poultry and dairy exhibits; providing that no profits or dividends shall be paid out of such fund, and providing that no salaries or expense of any kind shall be payable out of State funds, but only from funds arising by virtue of this act; authorizing the Commission to make rules that will protect against wrongful or unlawful conduct on the grounds of any such association; authorizing the issuance of licenses to trainers and riders or drivers of horses, and giving authority to the Commission to cancel such licenses; providing that Articles 647, 648, 649 and 651 of the 1925 Revised Penal Code of the State of Texas denouncing bookmaking and betting on horse races shall not be repealed, except in so far as those articles may, if at all, be changed by the provisions of this act; denying the right to conduct any race, except under the provisions of this act, and fixing a penalty for any violation of the act; enacting and providing for all matters and things necessary and incidental to the purposes and subject of this act, whether mentioned in detail in this caption or not; and further providing that if any part of this act is held invalid such holding shall not affect any other part."

Referred to Committee on State Affairs.

By Mr. Pope of Nueces:

H. B. No. 280, A bill to be entitled "An Act to amend Sections 22, 25 and 27 of Article 6701 of Chapter 1 of Title 116 of the 1925 Revised Civil Statutes of the State of Texas, and to add thereto Section 25a regulating headlamps and spotlights of motor vehicles and motorcycles, and declaring an emergency."

Referred to Committee on Highways and Motor Traffic.

By Mr. Giles and Mr. Carpenter:

H. B. No. 281, A bill to be entitled "An Act to amend Article 6215, Title 109, Revised Statutes of Texas, 1925, relative to the time of payment of pensions, affidavits supporting claims and warrants issued in payment thereof, by changing the time of payment of the pensions so as to provide that payments shall be made on the first day of each year; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Savage, Mr. Keller, Mr. Davis and Mr. Holder:

H. B. No. 282, A bill to be entitled "An Act to license and regulate the business of making loans in sums of three hundred dollars (\$300) or less, secured or unsecured, at a regular or greater rate of interest and charge therefor, and penalties for the violation thereof, and regulating the assignment of wages or salaries, earned or to be earned, when given as security for any such loan, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. Savage:

H. B. No. 283, A bill to be entitled "An Act amending Article 602 of the Revised Criminal Statutes of 1925, providing for penalties for the willful desertion of wife, child or children, and providing penalties for same; and amending Article 606 of the Revised Criminal Statutes of 1925, authorizing the commissioners court to furnish necessary funds for the extradition and return to such county any defendant under this chapter, who is at the time in some State other than the State of Texas, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Anderson, Mr. Morse, Mr. Johnson of Dimmit, Mrs. Negley, Mr. Warwick, Mr. Hogg, Mr. Thompson, Mr. Jones, Mr. Reader, Mr. Harding, Mr. Kemble, Mr. Kayton, Mr. Cox of Navarro, Mr. Williams of Travis, Mr. Holder, Mr. Baldwin, Mr. Metcalfe, Mr. Patterson, Mr. Brooks, Mr. Lee, Mr. Shelton, Mr. Montgomery, Mr. Pool, Mr. Finlay, Mr. Olsen, Mr. Long of Wichita, Mr. Duvall, Mr. Beck, Mr. Bateman, Mr. Savage, Mr. Sinks, Mr. Young, Mr. McCombs, Mr. Gates, Mr. Martin, Mr. Petsch, Mr. Harman, Mr.

Forbes, Mr. Mehl, Mr. Coltrin, Mr. Hefley, Mr. Smith, Mr. Finn, Mr. Thurmond, Mr. Keller, Mr. McDonald, Mr. Geron, Mr. Eickenroht, Mr. Shaver, Mr. Graves of Williamson, Mr. Conway, Mr. Hardy, Mr. O'Neill, Mr. Rountree, Mr. Sanders, Mr. Purl, Mr. Barnett, Mr. Gilbert, Mr. Hornaday, Mr. Dunlap, Mr. Cox of Lamar, Mr. Mauritz, Mrs. Moore, Mr. Speck, Mr. DeWolfe, Mr. Pope of Jones, Mr. Woodall, Mr. Webb, Mr. Pavlica, Mr. Kenyon, Mr. Baker, Mr. Harper, Mr. Woodruff, Mr. Justiss, Mr. Hopkins and Mr. Williams of Hardin:

H. B. No. 284, A bill to be entitled "An Act authorizing the Governor to appoint a commission of three citizens of the State of Texas to acquire, by purchase, condemnation or otherwise, all remaining property now privately owned in the block bounded by Alamo Plaza, Nacogdoches and East Houston Streets, in the city of San Antonio, surrounding the historic Alamo, for the State of Texas; prescribing the duties of such commission, and describing the land to be purchased; authorizing condemnation proceedings, making appropriation for the acquisition thereof and the expenses in connection therewith; directing how and when the same shall be paid for; and declaring an emergency."

Referred to Committee on Appropriations.

#### HOUSE JOINT RESOLUTIONS ON FIRST READING.

The following House joint resolutions, introduced today, were laid before the House, read severally first time, and referred to the Committee on Constitutional Amendments:

By Mr. Petsch and Mr. Bradley:

H. J. R. No. 5, Proposing an amendment to Article 10 of the Constitution of the State of Texas, by adding thereto Sections 2a and 2b providing for the regulation of public utilities; providing for changing the name of the Railroad Commission of Texas to the Railroad and Utilities Commission of Texas, and increasing the membership from three to five members; providing for the transfer of all of the present duties imposed by law on the Railroad Commission of Texas to the Railroad and Utilities Commission of Texas; and providing for its submission to the voters of the State of Texas as required by the Constitution, and making appropriation therefor.

By Mr. Storey and Mr. Minor:

H. J. R. No. 6, Proposing an amendment to the Constitution of the State of Texas, providing for a Supreme Court of nine members and for continuous session of that court.

By Mr. Petsch:

H. J. R. No. 7, Proposing an amendment to Section 5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution and making appropriation therefor.

#### BILLS RE-REFERRED.

On motion of Mr. Holder, House bill No. 136 was withdrawn from the Committee on Common Carriers and referred to the Committee on Highways and Motor Traffic.

On motion of Mr. Purl, House bill No. 153 was withdrawn from the Committee on Municipal and Private Corporations and referred to the Committee on Insurance.

On motion of Mr. Sherrill, House bill No. 217 was withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Highways and Motor Traffic.

On motion of Mr. Montgomery, House bill No. 184 was withdrawn from the Committee on Banks and Banking and referred to the Committee on Insurance.

On motion of Mr. Jones, House bill No. 208 was withdrawn from the Judiciary Committee and referred to the Committee on Criminal Jurisprudence.

On motion of Mr. Tillotson, House bills Nos. 4, 5, 6 and 191 were withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Highways and Motor Traffic.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. McCombs, House bills Nos. 85 and 89 were ordered not printed.

On motion of Mr. Sherrill, House bill No. 92 was ordered not printed.

On motion of Mr. Warwick, House bill No. 169 was ordered not printed.

#### BILLS RECOMMITTED.

On motion of Mr. Finlay, House bill No. 100 was recommitted to the Committee on Game and Fisheries.

On motion of Mr. Olsen. House bill No. 64 was recommitted to the Committee on Counties.

#### RELATING TO CERTAIN REVENUE-BEARING BILLS.

Mr. Gilbert moved that all revenue-bearing bills relating to highways and motor traffic be withdrawn from the Committee on Revenue and Taxation and referred to the Committee on Highways and Motor Traffic.

Mr. Purl raised a point of order on further consideration of the motion of Mr. Gilbert at this time, on the ground that the matter should first be referred to the Committee on Rules and reported back to the House.

The Speaker sustained the point of order.

#### INVITATION TO ATTEND BANQUET AT AUSTIN HOTEL.

The Speaker laid before the House and had read the following invitation:

Office of Official Host  
Galveston, Texas.

Austin, Texas, January 14, 1929.

To the Honorable Dan Moody, to the Honorable Barry Miller, to the Honorable Members of the Senate, to the Honorable Members of the House of Representatives:

You and each of you, are individually and collectively invited to a "fish feed" tendered to the Forty-first Legislature and the Franklin-Webster Club, Wednesday night, at 7 o'clock, Austin Hotel.

Each and every known member of the fish family will be there in many different fashions.

Bear your compass to the proper latitude and keep within your longitude and see to it that you are berthed at your proper mooring at the Austin Quay, Wednesday night, January 16, 1929, at seven bells, so that when the skipper calls the roll, and the galley chief sounds his bells, each one of you will be on deck. ●

Sincerely hoping that we shall have the pleasure of seeing each and every one of you, we are,

Yours very truly,

MRS. HELEN MOORE,  
Seventeenth District, Texas City.

L. M. KENYON.  
Eighteenth District, Galveston.

T. J. HOLBROOK.  
Senator, Seventeenth District.

The Franklin-Webster Club will be in charge and a real program has been prepared, interesting to both landlubber and water runners; come early, get a seat near captain's quarters, but above all else look for the galley.

JOE M. MOORE,

President Franklin-Webster Club.

Attest:

RAY HOLDER,

Secretary Franklin-Webster Club.

The House accepted the invitation.

#### COMMUNICATION IN REGARD TO PAYING INCOME TAX.

The Speaker laid before the House and had read the following communication:

Treasury Department,  
Internal Revenue Service.

Austin, Texas, January 11, 1929.

Honorable W. S. Barron, Speaker of the House, Capitol.

My Dear Mr. Barron: Realizing that both your good self and the members of the House, on account of your official duties, may require extensions of time for filing your 1928 income tax returns, I am taking the liberty of advising you and each member of the House that I will be more than glad to grant extensions of time of from thirty to sixty days so as to provide sufficient time for you gentlemen to file your income tax returns due in this office March 15th. I want to assure you and each of the members of the House that it will be a personal pleasure for me to do this as I am anxious to extend every assistance to you.

With kindest personal regards, I am,  
Sincerely yours,

JAMES W. BASS,  
Collector.

On motion of Mr. Nicholson, the House extended a vote of thanks to Mr. Bass and the Internal Revenue Department for the courtesy shown them.

#### RELATING TO "GREAT SOUTHLAND INSTITUTION."

Mr. Jenkins offered the following resolution:

H. C. R. No. 2, Relating to the support of move to operate a Great Southland Institution.

Approving the proposal of the Legislature of Florida to have the several Southern States take co-operative action in support of the Southland Me-



memorial Association in its efforts to establish, maintain and operate a Great Southland Institute of learning as a memorial to the "women of the Confederacy."

Whereas, The Legislature of the State of Florida has formally adopted Concurrent Resolution No. 19 inviting the several Southern States to take co-operative action in support of the Southland Memorial Association in its efforts to establish, maintain and operate a Great Southland Institute of learning as a memorial to the "women of the Confederacy"; therefore, be it

Resolved by this body, the Senate concurring, That we heartily approve said resolution and to the extent of our authority pledge the State to act well its part in support thereof.

The resolution was read second time and was adopted.

#### EMPLOYEES ANNOUNCED.

The Speaker announced the appointment of the following additional employees:

Mrs. Lillie Gresham, engrossing department.

Elizabeth Finks, stenographer.

P. T. Holt, typist.

Stanley Bolier, night Sergeant-at-Arms.

#### PROVIDING FOR COMMITTEE TO VISIT HON. WALTER C. ACKER.

Mr. Hogg offered the following resolution:

Whereas, The Honorable Judge Walter C. Acker of Harris county is and has been ill for the last few days with the "flu"; and

Whereas, He is beloved by every member of the House, all of whom regret exceedingly that he is compelled to remain in his room; and

Whereas, It is the desire of this body to show their interest and feeling for him at this time; therefore, be it

Resolved, That the Speaker of the House appoint a committee of six to call on him for the purpose of conveying such expression and feeling. Be it further

Resolved, That this resolution be spread on the minutes of the House.

The resolution was read second time and was adopted.

In accordance with the above action, the Speaker announced the appointment of the following committee:

Messrs. Hogg, King, Jenkins, Thompson, Purl and Storey.

#### COMMUNICATION FROM CONTINGENT EXPENSE COMMITTEE.

The Speaker laid before the House and had read the following communication:

The Committee on Contingent Expenses makes the following announcement:

In sending or receiving telephone or telegraph messages, members will please pay for same, taking receipts therefor, turn these receipts in to Miss Heberer, clerk of the committee, and refund will be made within the limits of the allowance provided therefor by the House.

#### RELATING TO CONSIDERATION OF GENERAL APPROPRIATION BILLS.

Mr. Webb moved that consideration of general appropriations be not considered during the Regular Session of the present Legislature.

Mr. Jenkins moved the previous question on the motion of Mr. Webb, and the main question was ordered.

Question recurring on the motion of Mr. Webb, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—129.

Ackerman.	Gerron.
Adkins.	Gilbert.
Anderson.	Giles.
Avis.	Graves
Baker.	of Williamson.
Baldwin.	Graves of Erath.
Barnett.	Hardy.
Beck.	Harding.
Bond.	Harman.
Bounds.	Harper.
Bradley.	Heaton.
Brice.	Hogg.
Brooks.	Holder.
Carpenter.	Hopkins.
Chastain.	Hornaday.
Coltrin.	Hubbard.
Conway.	Jenkins.
Cox of Navarro.	Johnson
Cox of Lamar.	of Dimmit.
Davis.	Johnson of Smith.
DeWolfe.	Justiss.
Dunlap.	Kayton.
Duvall.	Keeton.
Enderby.	Keller.
Ewing.	Kemble.
Eickenroht.	Kennedy.
Finn.	Kenyon.
Finlay.	King.
Forbes.	Kinnear.
Fuchs.	Land.
Gates.	Lee.

Lemens.	Sanders.
Long of Houston.	Savage.
Long of Wichita.	Shaver.
Loy.	Sherrill.
Mankin.	Simmons.
Mauritz.	Snelgrove.
Maynard.	Speck.
McCombs.	Stephens.
McDonald.	Stevenson.
McGill.	Storey.
Mehl.	Tarwater.
Metcalfe.	Thompson.
Montgomery.	Thurmond.
Moore.	Tillotson.
Morse.	Turner.
Mullally.	Veatch.
Murphy.	Waddell.
Nicholson.	Wallace.
Olsen.	Walters.
O'Neill.	Warwick.
Palmer.	Webb.
Patterson.	Westbrook.
Petsch.	White.
Pope of Jones.	Wiggs.
Pope of Nueces.	Williams of
Purl.	Sabine.
Ray.	Williams
Reader.	of Hardin.
Reid.	Woodall.
Renfro.	Woodruff.
Rountree.	

Nays—9.

Bateman.	Pavlica.
Cox of Limestone.	Quinn.
Harrison.	Shipman.
Johnson of Scurry.	Van Zandt.
Kincaid.	

Present—Not Voting.

Prendergast.

Absent.

Hines.	Richardson.
Jones.	Shelton.
McKean.	Williams
Minor.	of Travis.
Negley.	Young.

Absent—Excused.

Acker.	Pool.
Albritton.	Rogers.
Hefley.	Sinks.
Martin.	Smith.
Mosely.	Strong.

Mr. Purl moved to reconsider the vote by which the motion was adopted and to table the motion to reconsider.

The motion to table prevailed by the following vote:

Yeas—105.

Ackerman.	Anderson.
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Avis.	Land.
Baker.	Lee.
Baldwin.	Long of Houston.
Barnett.	Long of Wichita.
Bateman.	Mankin.
Beck.	Mauritz.
Bond.	Maynard.
Bounds.	McCombs.
Bradley.	McGill.
Brice.	McKean.
Brooks.	Mehl.
Chastain.	Metcalfe.
Coltrin.	Moore.
Conway.	Morse.
Cox of Navarro.	Murphy.
Cox of Lamar.	Nicholson.
Davis.	Olsen.
DeWolfe.	O'Neill.
Dunlap.	Palmer.
Duvall.	Petsch.
Enderby.	Pope of Jones.
Eickenroht.	Pope of Nueces.
Finn.	Prendergast.
Finlay.	Purl.
Forbes.	Ray.
Fuchs.	Reader.
Gerron.	Reid.
Gilbert.	Rountree.
Giles.	Sanders.
Graves	Savage.
of Williamson.	Shaver.
Graves of Erath.	Sherrill.
Hardy.	Snelgrove.
Harding.	Speck.
Harman.	Stephens.
Harper.	Stevenson.
Hogg.	Thompson.
Holder.	Thurmond.
Hopkins.	Tillotson.
Hornaday.	Turner.
Hubbard.	Van Zandt.
Jenkins.	Veatch.
Johnson	Waddell.
of Dimmit.	Walters.
Johnson of Scurry.	Warwick.
Jones.	Webb.
Justiss.	Westbrook.
Kayton.	White.
Keeton.	Wiggs.
Keller.	Williams of
Kemble.	Sabine.
Kennedy.	Williams
Kenyon.	of Hardin.
King.	Woodall.
Kinnear.	Woodruff.

Nays—3.

Harrison.	Quinn.
Kincaid.	

Absent.

Adkins.	Hines.
Carpenter.	Johnson of Smith.
Cox of Limestone.	Lemens.
Ewing.	Loy.
Gates.	McDonald.
Heaton.	Minor.

Montgomery.	Shipman.
Mullally.	Simmons.
Negley.	Storey.
Patterson.	Tarwater.
Pavlica.	Wallace.
Renfro.	Williams
Richardson.	of Travis.
Shelton.	Young.

Absent—Excused.

Acker.	Pool.
Albritton.	Rogers.
Hefley.	Sinks.
Martin.	Smith.
Mosely.	Strong.

#### SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee, as follows:

Senate bill No. 60, to the Committee on Live Stock and Stock Raising.

#### RECESS.

On motion of Mr. Holder, the House, at 11:30 o'clock a. m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

#### PROVIDING FOR JOINT SESSION TO PRESENT CROP CHAMPIONS.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 6, Providing for a joint session to present crop champions:

Whereas, Texas is essentially an agricultural State and has promoted improved agricultural methods for several years through the leading agricultural and daily papers, and particularly through the Dallas Morning News, in its five-year campaign for "More Cotton on Fewer Acres"; and

Whereas, Texas has won more premiums and produced more cotton kings and queens than any other State in the South; and

Whereas, The crop champions of the South have been taken on extensive educational tours for several years as a reward of their efforts by one of the great fertilizer concerns of the country

—The Chilean Nitrate of Soda Educational Bureau of New York; and

Whereas, This bureau is bringing the Southern crop champions of 1928 from possibly twelve States to Houston, Texas, early in February to attend the silver anniversary of farm extension work in the United States, which had its birth in Texas; and

Whereas, The Southern crop champions will be taken on an educational tour of Texas early in February, and will be in Austin on Wednesday, February 6th; therefore, be it

Resolved, That the Senate and the House of Representatives, on February 6th, meet in joint session, and that the crop champions and their party be invited to be present on that occasion, and be presented in whatever manner the presiding officer of the Senate and the Speaker of the House may direct; be it further

Resolved, That the Governor of Texas, the Commissioner of Agriculture and other State and city officials be invited to be present and to meet and greet these worthy "sons of the soil," whose improved methods of agriculture and whose specific achievements commend them to the admiration of all Texas and the Nation.

The resolution was read second time and was adopted.

#### BILLS RE-REFERRED.

On motion of Mr. Olsen, House bill No. 173 was withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on Agriculture.

On motion of Mr. O'Neill, House bill No. 270 was withdrawn from the Committee on Eleemosynary Institutions and referred to the Committee on Public Health.

On motion of Mr. Williams of Travis, House bill No. 153 was withdrawn from the Committee on Insurance and referred to the Committee on Municipal and Private Corporations.

#### BILL ORDERED NOT PRINTED.

On motion of Mr. Montgomery, House bill No. 23 was ordered not printed.

#### ADJOURNMENT.

On motion of Mr. Renfro, the House, at 2:15 o'clock p. m., adjourned until 10 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills as follows:

Conservation and Reclamation: House bills Nos. 175, 174, 62, 61 and 23.

Revenue and Taxation: House bill No. 87.

Game and Fisheries: House bill No. 100.

Agriculture: House bill No. 162.

Criminal Jurisprudence: House bill No. 18.

The Committee on Revenue and Taxation filed an adverse report on House bill No. 80.

## EIGHTH DAY.

(Thursday, January 17, 1929.)

The House met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Gilbert.
Ackerman.	Giles.
Adkins.	Graves
Anderson.	of Williamson.
Avis.	Graves of Erath.
Baker.	Hardy.
Baldwin.	Harding.
Barnett.	Harman.
Bateman.	Harper.
Beck.	Harrison.
Bond.	Heaton.
Bounds.	Hines.
Bradley.	Hogg.
Brice.	Holder.
Brooks.	Hopkins.
Carpenter.	Hornaday.
Chastain.	Jenkins.
Coltrin.	Johnson
Conway.	of Dimmit.
Cox of Navarro.	Johnson of Smith.
Cox of Lamar.	Johnson of Scurry.
Cox of Limestone.	Jones.
Davis.	Justiss.
DeWolfe.	Kayton.
Dunlap.	Keeton.
Duvall.	Keller.
Enderby.	Kennedy.
Ewing.	Kenyon.
Eickenroht.	Kincaid.
Finn.	King.
Finlay.	Kinnear.
Forbes.	Land.
Fuchs.	Lee.
Gates.	Lemens.
Gerron.	Long of Houston.

Long of Wichita.	Savage.
Loy.	Shaver.
Mankin.	Shelton.
Mauritz.	Sherrill.
Maynard.	Shipman.
McCombs.	Simmons.
McDonald.	Snelgrove.
McGill.	Speck.
Mehl.	Stephens.
Metcalfe.	Stevenson.
Minor.	Storey.
Montgomery.	Tarwater.
Moore.	Thompson.
Morse.	Thurmond.
Mullally.	Tillotson.
Murphy.	Turner.
Negley.	Van Zandt.
Nicholson.	Veatch.
Olsen.	Waddell.
O'Neill.	Wallace.
Palmer.	Walters.
Patterson.	Warwick.
Pavlica.	Webb.
Petsch.	Westbrook.
Pope of Jones.	White.
Pope of Nueces.	Wiggs.
Prendergast.	Williams
Purl.	of Sabine.
Quinn.	Williams
Ray.	of Hardin.
Reader.	Williams
Reid.	of Travis.
Renfro.	Woodall.
Richardson.	Woodruff.
Rountree.	Young.
Sanders.	

Absent.

Kemble. McKean.

Absent—Excused.

Acker.	Pool.
Albritton.	Rogers.
Hefley.	Sinks.
Hubbard.	Smith.
Martin	Strong.
Mosely.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following member was granted leave of absence on account of important business:

Mr. Martin for today, on motion of Mr. Baldwin.

The following members were granted leaves of absence on account of sickness:

Mr. Hubbard and Mr. Smith for today, on motion of Mr. Reader.

Mr. Pool for today, on motion of Mr. McGill.